

Panaji, 15th May, 2020 (Vaisakha 25, 1942)

SERIES I No. 7

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Co-operation
Office of the Registrar of Co-operative Societies

Notification

52/05/20-MR/MKT/RCS/295

In exercise of the powers conferred by sub-section (1) of section 49 of the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2007 (Goa Act 11 of 2007), and in supersession of the Government Notification No.11/1/96-MR/MKT/RCS/1093 dated 16th April, 2002, published in the Official Gazette, Series I No. 5 dated 2nd May, 2002, the Government of Goa hereby notifies the rates of market fees as specified in Column (2) of the table below in respect of the notified agricultural produce as specified in Column (1) of the table below:

TABLE

Type of Notified Agricultural Produce (1)	Rate of market fee (2)
Perishable notified agricultural produce	1% ad valorem
Non-Perishable notified agricultural produce	1% ad valorem

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Vikas S. N. Gaunekar, Registrar of Co-operative Societies & ex officio Joint Secretary.

Panaji, 15th May, 2020.

Department of Law & Judiciary
Legal Affairs Division

Notification

8/4/2020-LA

The Goa Goods and Services Tax (Second Amendment) Ordinance, 2020 (Ordinance No. 1 of 2020), which has been promulgated by the Governor of Goa on 08-05-2020, is hereby published for general information of the public.

D. S. Raut Dessai, Joint Secretary (Law).
Porvorim, 15th May, 2020.

The Goa Goods and Services Tax (Second Amendment) Ordinance, 2020
(Ordinance No. 1 of 2020)

Promulgated by the Governor of Goa in the Seventy-first year of the Republic of India.

An Ordinance to further amend the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017).

Whereas, the Legislative Assembly of Goa is not in Session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Goa Goods and Services Tax (Second Amendment) Ordinance, 2020.

(2) Save as otherwise provided in this Ordinance, the provisions of this Ordinance shall be deemed to have come into force from 31-03-2020.

2. *Insertion of new section 168A.*— After section 168 of the principal Act, the following section shall be inserted, namely:—

‘168A.— (1) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under, this Act in respect of actions which cannot be completed or complied with due to *force majeure*.

(2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

Explanation.— For the purposes of this section, the expression “*force majeure*” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.’

Place: Raj Bhavan,
Date: -04-2020.

SATYA PAL MALIK,
Governor of Goa.

Notification

8/5/2020-LA

The Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020 (Ordinance No. 2 of 2020), which has been promulgated by the Governor of Goa on 15-5-2020 is hereby published for general information of public.

D. S. Raut Dessai, Joint Secretary (Law).

Porvorim, 15th May, 2020.

The Goa Agricultural Produce Marketing (Development and Regulation) (Amendment),
Ordinance, 2020

(Ordinance No. 2 of 2020)

*Promulgated by the Governor of Goa in the
Seventy-first Year of the Republic of India.*

An Ordinance further to amend the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007).

Whereas, the Legislative Assembly of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Goa Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

2. *Amendment of section 1.*— In section 1 of the principle Act, in sub-section (1), for the expression “Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007”, the expression “Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2007 shall be substituted.

3. *Amendment of section 2.*— In section 2 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007) (hereinafter referred to as the "principal Act"),—

(i) clause (a) shall be renumbered as clause (aa);

(ii) before clause (aa) as renumbered, the following clause shall be inserted, namely:—

"(a) *"ad hoc buyer"* includes a buyer registered under section 60A of this Act;"

for clause (b), the following clause shall be substituted, namely:—

(iii) (b) *"agriculturist"* means a person who ordinarily by his own labour or by the labour of any member of his family or by the labour of his tenants or servants or hired labour or otherwise, is engaged in the production or growth of any notified agricultural produce, and includes a member of a co-operative society registered in the State of Goa which is dealing with agricultural produce and a person who has sold agricultural produce to the co-operative society, of the value not less than Rs. 5000/- in the preceding financial year or of such amount as may be determined by the State Marketing Officer from time to time in the preceding financial year; but does not include a trader, trading agent, broker, processor or commission agent;"

(iv) after clause (b), the following clause shall be inserted, namely;

"(bb) *"assaying lab"* means a laboratory set up, for testing of quality parameters as per the tradable parameters or grade-standards or any other parameters notified by the Marketing Board;"

(v) in clause (f) and in any other section, for the expression "Goa Agricultural Marketing Board", whenever it occurs, the expression "Goa Agricultural Produce and Livestock Marketing Board" shall be substituted;

(vi) after clause (f), the following clause shall be inserted, namely:—

"(fa) *"cold storage"* in relation to market yard means cold storage declared as market sub-yard under section 5E of this Act;"

(vii) after clause (l), the following clause shall be inserted, namely:—

"(la) *"direct marketing"* in relation to agricultural produce, means direct wholesale purchase of agricultural produce from the farmers by the processors, exporters, bulk buyers, etc. outside the principal market yard, sub-market yard, private market yard and market sub-yard under section 5D of this Act;"

(viii) after clause (p), the following clauses shall be inserted, namely:—

"(pa) *"electronic trading platform"* means electronic platform set up either by Government or its agencies or a person licenced under section 60B for conducting trading in notified agricultural produce including livestock through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network/internet or any other such electronic device;

"(pb) *"Farmer-Consumer Market Yard"* means market yard established under section 5D of this Act;

"(pc) *"Farmer-Producer Company (FPC)"* means a company of farmer-producer members incorporated with the Registrar of Companies;

(ix) after clause (v) the following clauses shall be inserted, namely:—

"(va) *"livestock"* means cows, buffaloes, bullocks, bulls, goats and sheep, and includes poultry, fish and such other animals, and products thereof, specified in the Schedule; hereto;"

(x) after clause (zc) the following clauses shall be inserted, namely:—

“(zca) “*Market Yard of National Importance*” means a market yard as notified under section 5B of this Act;”;

(xi) after clause (ze) the following clauses shall be inserted, namely:—

“(zea) “*Notified Agricultural Produce and Livestock*” means agricultural produce and livestock, specified in the Schedule; hereto;

“(zeb) “*National Agriculture Market (NAM)*” means an integrated market, where buying and selling of notified agricultural produce including livestock and activities incidental thereto are carried out in India possessing marketing utility across time and space;”;

(xii) after clause (zf) the following clauses shall be inserted, namely:—

(zfa) “*over trading*” in relation to a trader means the amount exceeding the value of the agricultural produce including livestock purchased at any point of time vis-à-vis to the amount of security deposited with or the bank guarantee he has furnished to the Marketing Board;

“(zfb) “*own consumption purchases*” means retail purchases made in small quantities for domestic consumption and not for resale or business purposes.

“(zfc) “*person*” includes individual, a co-operative society, Hindu Undivided family, a company or firm or an association or a body of individuals, whether incorporated or not;

“(zfd) “*petty trader*” in relation to agricultural produce means a non licensee trader under this Act who carries on purchasing or selling of notified agricultural produce in the quantity not exceeding such quantity as specified in this Act and notified by the Government as retail;”;

(xiii) after clause (zq), the following clauses shall be inserted, namely:—

“(zqa) “*Silo*” means silo declared as market sub-yard under section 5E of this Act;

“(zqb) “*Special Commodity market Yard*” means such market yard notified under section 5A of this Act;

“(zqc) “*State*” means the State of Goa;”;

(xiv) after clause (zw) the following clause shall be inserted, namely:—

“(zwa) “*warehouse*” in relation to market yard, means warehouse declared as market sub-yard under section 5E of this Act;”;

4. *Substitution of section 5.*— For section 5 of the principal Act, the following sub-sections shall be substituted, namely:—

“5. Principal market yard, sub-market yard, market sub-yard, private market yard, private market sub-yard, farmer-consumer market yard, private farmer-consumer market and electronic trading platform.

(1) In this State, there may be—

(a) principal market yard(s) managed by the Marketing Board;

(b) sub-market yard(s) managed by the Marketing Board;

(c) market sub-yard(s) managed by the Marketing Board;

(d) private market yard(s) managed by a person, holding a licence under section 5C;

(e) private market sub-yard(s) managed by a person holding a licence under section 5F;

(f) farmer-consumer market yard(s) managed by the Marketing Board;

(g) private farmer-consumer market yard(s) managed by a person, holding a licence under section 5D;

(h) electronic trading platform.

(2) The Government shall, as soon as possible after the issue of notification under sections 3 and 4, by a notification, declare any 'place' in the market area as principal market yard or sub-market yard or market sub-yard or farmer-consumer market yard, as the case may be, managed by a Marketing Board, for the purpose of regulation of marketing of notified agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under this Act.

Explanation.— In this sub-section (2), the expression 'place' shall include any structure, enclosure, open space locality, street including warehouse/silos/pack house/cleaning, grading and packaging and processing unit vested in the Marketing Board of the delineated market area.

(3) The Government may, by notification, declare a 'place', licenced under section 51, to be private market yard, private market sub-yard, private farmer-consumer market yard, as the case may be, for marketing of notified agricultural produce and livestock, expressly or impliedly in physical, electronic or other such mode, under this Act.

Explanation.— In this sub-section (3), the expression 'place' shall include any structure, enclosure, open space locality, street including warehouse/silos/pack house/cleaning, grading and packaging and processing unit vested in the person licenced for the purpose under this Act.

5A. *Establishment and notification of "Special Commodity Market Yard".*— (1) The Government may designate any existing market yard established under sub-section (2) of section 5 as "Special Commodity Market Yard" or establish and notify any market yard as "Special Commodity Market Yard" after consideration of such aspects as throughput of particular agriculture produce and livestock and special infrastructure requirements therefore. It may be—

(i) fruits, vegetables and flowers markets, including onion market, apple market, orange market and other such market;

(ii) cotton market;

(iii) medicinal and aromatic plants market;

(iv) livestock market including camel market, fish market, poultry market and other such market; and

(v) any other such markets.

(2) All provisions for and in relation to the Marketing Board made in the Act shall *mutatis mutandis* apply to the Marketing Board established for "Special Commodity Market Yard".

5B. *Establishment and notification of "Market Yard of National Importance (MNI)".*— The Government may designate and notify any existing market yard established under sub-section (2) of section 5 as "Market Yard of National Importance" or establish and notify any market as "Market Yard of National Importance" after consideration of such aspects as total throughput, value, upstream catchment area, down-stream number of consumers served and special infrastructure requirements thereof:

Provided that the market yard handling not less than such annual tonnage or such annual values, as may be prescribed, may be considered for conferring the status as the "Market Yard of National Importance";

Provided further that out of such annual tonnage or such annual value, 30 percent may arrive from not less than two other States.

5C. *Establishment of private market yard.*— (1) Subject to such reasonable conditions and such fee as may be prescribed, the Marketing Board may grant a licence to a person to establish a private market yard, for trading of notified agricultural produce and livestock.

(2) The private market yard licensee, or its management committee, by whatever name it is called, may register commission agents and other market functionaries to operate in the licenced private market yard.

(3) The private market yard licensee, or its management committee, may collect user

charge on notified agricultural produce and livestock transacted in the private market yards, at the rate ad valorem not exceeding the rate as notified by the Government:

Provided that no user charge shall be collected from agriculturist seller.

(4) The private market yard licensee shall contribute such user charge collection and registration fee, to the separate fund created by the Marketing Board for this purpose at the rate in percentage at par with Marketing Board.

(5) The Marketing Board will spend the money from such Fund under sub-section (4) in development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating an efficient marketing system in the State/Country.

(6) The private market yard licensee shall formulate a Standard Operating Procedure (SOP) for conduct of business and activities ancillary thereto in the licenced private market yard.

5D. Establishment of farmer-consumer market yard (direct sale of agricultural produce by farmer to consumer in retail).— (1) Subject to such terms and conditions and fee, as may be prescribed, the Marketing Board, may grant licence to person to establish farmer-consumer market yard for marketing of specified agricultural produce in retail.

(2) Such farmer-consumer market yard may be established by a person by developing infrastructure, as may be prescribed, and at a place accessible to both farmers(s) and consumer(s):

Provided that the consumer shall not purchase more than such quantity of agriculture produce at a time in this market yard as prescribed.

(3) The farmer-consumer market yard licensee may collect the user charge on the sale of agriculture produce from the seller and amount so realized shall be retained by farmer-consumer market yard licensee:

Provided that the Government in public interest may from time to time, by notification, put ceiling on the rate of collection of user charge.

5E. Declaring ware-house/silos/cold storage or other such structure or place as market sub-yard.— (1) Save as otherwise provided in this Act, the Government may, by notification declare warehouse/silos/cold storage or other such structure or place with infrastructure and facilities as prescribed, to function as market sub-yard.

Explanation.— The expression 'place' under this sub-section shall include any structure, enclosure, open space, locality, street including pack house/cleaning, grading and processing unit, etc.

(2) The owner of such warehouse/cold storage, or other such structure or 'place', as the case may be, desirous of declaration of such place as market sub-yard under sub-section (1), shall apply to the Marketing Board, in such form and in such manner and such fee; and also for such period but not less than three years, as prescribed.

(3) The licensee of such warehouse/silos/cold storage or other such structure or place, may collect user charge on notified agricultural produce transacted at the declared market sub-yard under sub-section (1), at the rate ad valorem not exceeding the rate as notified by the Government:

Provided that no user charge shall be collected from agriculturist seller.

(4) A declared market sub-yard licensee shall contribute, such user charge, to the separate Fund maintained by the Marketing Board at the rate in percentage at par with Marketing Board. The fund will be utilized for the purposes and as specified in sub-section (5) of section 5C of this Act.

5F.— Direct marketing (wholesale direct purchase from farmers outside the market yard, sub-market yard, private market yard).— (1) Collection/aggregation centers in the proximity of the production areas may be set up by a person with infrastructure, as may be

prescribed, with linkages to retail chain, or processing/export unit/premises, or any other such unit/premises, as may be prescribed, in accordance with the provisions of this Act and rules made thereunder for marketing of notified agricultural produce.

(2) Notwithstanding anything contained under sub-section (1), direct wholesale purchase can also be carried out outside the principal market yard, sub-market yard, market sub-yard, private market yard by declaring the place of such purchase, without establishment of any permanent collection/ /aggregation centre, as prescribed.

(3) Direct marketing licensee shall have to maintain records and all accounts relating to daily trade transactions and shall submit monthly report, as prescribed, to the Licensing Authority.

(4) The Licensing Authority can seek any type of additional information from the direct marketing licensee; and can also inspect and issue direction relating to functioning of such wholesale purchases and the activities incidental thereto.

(5) The direct marketing licensee shall be liable to pay one-fourth of the applicable market fee on wholesale purchases made. Such licensee shall deposit the due amount towards "Marketing Board Fund" maintained by Marketing Board for the month by 7th day of the next month. The Fund will be utilized for the purposes and as specified in sub-section 5 of section 5C of this Act.

5. *Amendment of section 12.*— In section 12 of the principal Act, in sub-section (1),-

(i) for the word "eighteen", the word "nineteen" shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely:-

"(d) (i) Registrar of Co-operative Societies or his nominee;

(ii) Director of Agriculture or his nominee; and

(iii) Director of Animal Husbandry or his nominee."

6. *Substitution of section 34.*— For section 34 of the principal Act, the following section shall be substituted, namely:—

34. *Levy of user charge by Marketing Board.*— Notwithstanding anything contained in this Act, the Marketing Board may allow trade even in those items of the agricultural produce including livestock which is not notified for regulation under this Act or are not specified in the Schedule hereto.

(2) The Marketing Board shall collect user charge, as specified in bye-laws for allowing trade as provided under sub section (1) at the rate not exceeding two percent ad valorem incase of non perishable transacted agricultural produce and not exceeding one percent ad valorem incase of perishable agricultural produce and livestock.

(3) Save as otherwise provided in this Act, there shall neither be regulation nor levy of applicable user charge on sale transactions of fruits and vegetables taking place outside the principal market yard, sub-market yard(s) and market sub-yard(s)."

7. *Amendment of section 41.*— In section 41 of the principal Act for the word "market fee", wherever they occur, the words market fee/ /user charge shall be substituted.

8. *Amendment of section 44.*— In section 44 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

(2A) The Marketing Board shall maintain a separate Fund to account the receipts realized as contribution from licensees of private market yard, private market sub-yard, e-trading platform, direct marketing and from such other contribution.

(2B) The Marketing Board shall spend such fund, in development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating an efficient marketing system in the State/ /Country."

9. *Insertion of new section 44A.*—After section 44 of the principal Act, the following section shall be inserted, namely:—

44A. Accounts and Audit of Marketing Board.— (1) The accounts of the marketing Board shall be subject to internal audit for which the marketing Board may make such arrangement as it deem fit.

(2) Within 45 days of the close of the financial year, the annual accounts and balance sheet of the marketing Board shall be prepared by the Secretary and all money accruing to or received by the marketing Board from whatever source and all amounts disbursed or paid shall be entered in the accounts.

(3) At the time of audit, the Secretary shall cause to be produced all accounts, registers, documents and other relevant papers which may be called for by the audit officer for the purposes of the audit. Any explanation called for by such officer for the removal of any discrepancy shall be immediately furnished to him.

(4) The accounts of the Marketing Board shall be audited within six months of the close of the financial year to which such accounts relate:

Provided that the State Marketing Officer may upon request from the Marketing Board and for justifiable reasons, grant extension of time for period not exceeding six months.

(5) The State Marketing Officer shall appoint an auditor from the panel of Auditors and Chartered Accountants constituted by the Registrar of Co-operative Societies, Government of Goa from time to time.

(6) The Marketing Board dealing with the funds from the Government or any other external individual or institutions may be subject to a re-audit initiated by the State Marketing Officer at the request of creditor, on such specific terms of reference as agreed to by the State Marketing Officer. The cost and expenses of the re-audit shall be borne by such creditor.

(7) The accounts when audited shall be printed. The copies of accounts and audit report with comments thereon shall placed before the marketing Board.

10. Amendment of section 45.— In section 45 of the principal Act, in sub-section (1),—

(i) clause (xx) shall be renumbered as clause (xxi);

(ii) before clause (xxi) so renumbered, the following clause shall be inserted, namely:—

(xx), to make arrangement for creating the facilities for livestock trade by providing required Infrastructure;".

11. *Substitution of Chapter VIII.*— For chapter VIII of the principal Act, the following chapter shall be substituted namely:—

"Chapter VIII"

REGULATION OF TRADING

47. *Sale-transactions of notified Agricultural Produce and Livestock.*— (1) All notified agricultural produce including livestock shall ordinarily be sold in the principal market yards, sub-market yards and market sub-yards licenced under this Act or not, private market yard or at the electronic trading platforms:

Provided that the notified agricultural produce including livestock may be sold at other places also to a licence holder especially permitted in this behalf under this Act.

(2) In relation to agricultural produce, nothing in the sub-section (1) shall apply to the following sale and purchase where;

(i) sale is made by the producer himself to any person for his domestic consumption in quantity upto one quintal;

(ii) brought for sale by head load;

(iii) purchase and sale is made by petty trader;

(iv) purchase is made by an authorized fair price shop dealer from the Food Corporation of India. "State Commodities Trading Corporation or any other agency or institution authorized by the Government of

India or State Government or Union Territory Administration for distribution of essential commodities through the Public Distribution System; and

(v) the transfer such agricultural produce to a co-operative society for the purpose of securing an advance there from.

(vi) the Notified Agriculture produce brought by the licenced/registered trader from a place outside the Market Yard or within the Market area in the course of commercial transactions may be bought or sold anywhere in the market area:

Provided that it shall not be necessary to bring Agriculture produce covered under contract farming to the market yard/sub market yard/private yard and it may be directly sold to contract farming sponsors from farmers fields.

(3) In relation to livestock, nothing in the sub-section (1) shall apply on the business of purchasing or selling of livestock not exceeding such value, as prescribed.

(4) The price of the notified agricultural produce including livestock, brought for sale into the principal market yards, sub-market yards, private market yards, market sub-yards, shall be settled by tender bid or open auction including e-auction or any other transparent system and no deduction shall be made from the agreed price on any account whatsoever from the seller.

(5) Weighment or measurement or counting of all the notified agricultural produce including livestock so purchased shall be done by such person and such system as is provided in the bye-laws or at any other place specified for the purpose by the Marketing Board.

48. Terms and procedure of buying and selling.— (1) Except in the commercial transactions between two traders, any other person who buys notified agricultural produce including livestock in the principal market yards, sub-market yards and market sub-yards, shall execute an agreement in triplicate in such form, as prescribed, in favour of the seller. One copy of the agreement shall be kept

by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of marketing board.

(2) (a) The price of the notified agricultural produce including livestock transacted in the principal market yards, sub-market yards, private market yards, market sub-yards or at e-platforms shall be paid on the same day to the seller or in the maximum next day if procedurally so required. Payment on notified agricultural produce shall also be made to agriculturist-seller, if sold to the direct marketing licensee, on the same day there itself.

(b) In case purchaser does not make payment as specified under clause (a), he shall be liable to make additional payment at the rate of one percent per day of the total price of the agricultural produce, including live stock, payable to the seller within five days.

(c) In case purchaser does not make payment to the seller as specified under clause (b) above, within 5 days from the day of such purchase, his license shall be deemed to have been cancelled on the sixth day and he shall not be granted any licence or permitted to operate under this Act for a period of one year from the date of such cancellation.

(3) No wholesale transactions of notified agricultural produce shall be entered directly by licensed/registered trader with producer of such agricultural produce in the market yard/sub-market yard/private yard or at such place except in accordance with the provisions contained in the bye-laws:

Provide that agricultural produce, produced under contract farming, may be directly bought by contract farming sponsor anywhere.

(4) Commission agent shall recover his commission from his principal trader at the rate not exceeding two percent ad valorem on transacted non-perishable agricultural produce; while in case of perishable agricultural produce, it shall not exceed four percent ad valorem on transacted produce, including all expenses as may be incurred by him in storage of the produce and other services rendered by him:

Provided that no commission shall be collected from farmer-seller.

(5) Every commission agent shall be liable to keep the goods of his principal in safe custody without any charge other than commission payable to him.

49. *Levy of market fee (single point levy of market fee).*— (1) The marketing Board shall levy and collect market fee from buyer in respect of notified agricultural produce including livestock bought by such buyer in the principal market yard or sub-market yard(s) or market sub-yard(s) either brought from outside the State or from within the State, at such rate as may be notified but not exceeding two percent ad valorem on transacted produce in case of non-perishable agricultural produce and not exceeding one percent ad valorem in case of perishable agricultural produce and livestock:

Provided that the notified Agricultural produce imported/purchased/bought from any person other than agriculturist into the market area shall be liable for payment of market fee:

Provided that market fees specified under this section shall not be levied for the second time, in whatever name it is called, i.e. cess, user charge, service charge, etc., in any principal market yard, sub-market yard(s), market sub-yard(s), private market yard, electronic trading platform within the state provided that market fee at applicable rate has already been paid on that notified agricultural produce in any principal market yard, sub-market yard(s), market sub-yard(s), private market yard, electronic trading platform within the State and the evidence to this effect has been furnished, by the concerned person that market fee has already been paid as aforesaid in the State:

Provided further that in case of commercial transactions between traders, the market fee shall be collected and paid by the seller:

Provided also that in case of buyer is not licensee and seller is farmer, the liability of payment of market fee shall be of commission

agent who will collect the market fee from buyer and deposit to the marketing Board.

(2) The Marketing Board may levy and collect entrance fee on vehicles which may enter into market yard(s) at such rate as may be specified in bye-laws:

Provided that no such fee shall be levied and collected from agriculturist-sellers.

50. *Grant/Renewal of licence to market functionaries other than trader.*— (1) Subject to the provisions of this Act and Rules made in this behalf, every person who, in respect of notified agricultural produce including livestock, desires to operate in the principal market yard or sub-market yard or market sub-yard as commission agent, weighman, measurer, hammad (loader-unloader) or such other market functionary, except trader, shall apply to the Marketing Board for grant or renewal of licence in such form, with such fees and in such manner as prescribed.

(2) The Marketing Board or its Chairperson, if so authorized by the Marketing Board may, on an application made under sub-section (1) and after making such inquiries as it deemed fit, grant or renew the licence, or may refuse to grant or renew any such licence on the basis of one or more of the following reasons:—

(i) the applicant is minor or not bonafide;

(ii) the applicant has been declared defaulter under the Act or Rules made thereunder and Bye-laws;

(iii) the applicant has been found guilty under the Act;

(iv) any dues relating to Marketing Board and/or Board and/or Government are outstanding against the applicant;

(v) any other reason(s) as may be prescribed.

(3) The application received under sub-section (1) shall be disposed of within twenty working days from the date of receipt of application complete in all respects.

(4) The Marketing Board may grant the licence or reject the same after recording the reason(s) in writing therefore.

(5) On expiry of a period specified in sub-section (3), if the application has not been disposed off, the licence deem to have been granted or renewed, as the case may be.

(6) The Marketing Board or its Chairperson if so authorized may, by order and for reasons to be recorded in writing suspend or cancel the licence, granted under this section:

Provided that no order for suspension or cancellation of licence shall be passed without giving a reasonable opportunity of being heard to the licensee.

51. Grant/Renewal licence for private market yard, farmer-consumer market yard and market sub-yard.— (1) Any person who, desires to establish private market yard, farmer-consumer market yard, market sub-yard, shall apply to the Marketing Board for grant of licence or renewal thereof in such from, in such manner and with such fee and securities/bank guarantee as prescribed.

(2) An application received under sub-section (1) may be rejected for the reasons to be recorded in writing by the marketing Board:

(3) The application received under this section shall be liable to be reject in case,—

(i) in case the applicant is a minor or not bonafide;

(ii) in case the applicant has been declared defaulter under the Act and Rules and Bye-laws made thereunder;

(iii) in case any dues relating to Marketing Board and/or Government are outstanding against the applicant;

(iv) in case the concerned authority is satisfied that the applicant does not possess the infrastructure credentials, experience or adequate capital for investment or any other requirements as may be prescribed for establishment of a private market yard or farmer-consumer market yard;

(v) for any other reason as prescribed.

(4) The licence granted or renewed under this section shall be subject to such terms and

conditions, as prescribed; and the licensee shall be bound to follow the terms and conditions of the licence. The licensee shall also follow the provisions of this Act and Rules made thereunder.

52. Suspension or Cancellation of licence granted/renewed under section 51.— (1) Subject to the provisions of section 51, the Licensing Authority, may by order and for the reasons in writing to be communicated to the licensee, suspend or cancel the licence, if;

(a) the licence has been obtained through willful misrepresentation or fraud;

(b) the licensee or his representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the Rules, regulations and terms or conditions of licence;

(c) licensee himself or in combination with other licensee commits any act or abstains from carrying on his normal business in the market area with the intention of willfully obstructing, suspending or stopping the marketing of notified agricultural produce;

(d) licensee becomes insolvent;

(e) licensee incurs any disqualification, as prescribed; or

(f) licensee is convicted of any offence under this Act.

(2) No licence shall be suspended or cancelled under this section without giving a reasonable opportunity of being heard to the licensee.

53. Grant/Renewal of unified single trading licence.— (1) There shall be a single licence applicable to the whole of the State, for the trader to be granted/renewed by the Marketing Board in such manner and in such form, as prescribed, to operate as trader in any principal market yard, sub-market yard, market sub-yard private market yard and sub-yard, e-trading platform or any other space identified for the purpose, in the State. The existing trader licences granted by the Marketing Board shall be converted into State wide single trader licence by the Marketing

Board within six months from the date of commencement of the State Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020. Until then, the existing trader licences granted by the Marketing Board shall be deemed to be the State wide single trader licences.

Explanation.— Private market licensee or other such licensee or its management committee may, register the unified single trading licensee, to allow to operate in such market yards.

(2) Any person desirous of obtaining or renewing a licence under sub-section (1) as trader, shall apply to the Marketing Board in such form and with such fee, as prescribed.

(3) Subject to provisions of this Act and the Rules made thereunder, the Marketing Board, on application made under sub-section (2), after making such inquiries as deemed fit, may grant or renew the licence in such form and for such a period, as prescribed:

Provided that notwithstanding anything contained in this Act and the Rules, there shall be no consideration of domicile, compulsory requirement of purchase/collection center and minimal quantity for grant/renew of such licence:

Provided further that such licence granted or renewed shall entail to the licensee to carry out trade of any form i.e. primary or secondary or whatsoever, without any discrimination.

(4) The licence issued by the Marketing Board under this section shall bear Unicode, as prescribed.

54. *Suspension or Cancellation of unified single trading licence granted/renewed under section 53.*— (1) The Marketing Board or the Officer authorized by it may, after such inquiry as it/he deems fit to make and after giving, the licensee a reasonable opportunity of being heard, suspend or cancel a licence issued under section 53 on any of the following ground(s); namely:—

(a) the licence has been obtained through willful misrepresentation or fraud;

(b) the licensee himself or in collusion with other licensee(s) commits any act or abstains from carrying on his normal business in the market with the intention to willfully obstruct, suspend or stop the marketing of notified agricultural produce in any type of market and in consequence whereof, the marketing of notified agricultural produce has been obstructed, suspended or stopped;

(c) the licensee is found to have contravened any of the provisions of this Act or the Rules or Bye-laws;

(d) the licensee convicted of an offence punishable under this Act or Rules or regulations;

(e) the licensee become insolvent; or

(f) the licensee incurs any disqualification as prescribed.

(2) The licensee shall forthwith produce the suspended/cancelled licence in the office of the Marketing Board for being endorsed in such manner as prescribed and shall not be entitled to claim on account of such suspension/cancellation any compensation and/or refund of the whole or any part of the licence fee.

55. *Recognition of unified single trading licence granted/renewed under section 53 for inter-state trade.*— (1) Notwithstanding anything contained in this Act, Government may allow holder of unified single trading licence bearing Unicode, issued by any other State or Union Territory to undertake trade transactions within its geographical jurisdiction on e-platform or any other format that may be in operation, as trader.

(2) Such licensee shall be liable to pay the market fee and other marketing charges at the rate applicable, where trade transactions has taken place, in the manner as prescribed.

(3) In case of contravention of any of the provisions of this Act/Rules/Bye-laws, instructions or orders, the Marketing Board shall, after giving an opportunity of being heard, blacklist such licensee for trading purpose only within their respective jurisdiction, when a contravention has

occurred, for a certain period or forever based on the gravity of breach/violation of provisions of this Act/Rules/Bye-laws, instructions or orders.

Explanation.— The expression 'blacklisting' of licence for a certain period means temporary suspension of licence for certain period and blacklisting the licensee forever means permanent cancellation of licence.

(4) The Marketing Board of the respective jurisdiction, wherein the contravention occurs, may simultaneously submit a proposal detailing the type and nature of contravention with evidence, to the concerned licence issuing State or Union Territory as the case may be, for taking further appropriate action against the contravener.

56. *Grant/Renewal of licence for direct marketing.*— (1) Any person, including a Farmers' Cooperative, Farmers' Producer Organization (FPO) and Processor/Exporter, desires to purchase agricultural produce directly from farmers outside the principal market yard, sub-market yard, market sub-yard, private market yard, shall apply to the Marketing Board for grant or renewal of licence, as the case may be, in such form and in such manner and for such period, as prescribed.

(2) An application for direct marketing shall accompany such reasonable fee and security/bank guarantee, as prescribed.

(3) The application received under sub-section (1) may be rejected by an order for reasons to be recorded in writing after giving the applicant an opportunity of being heard.

(4) A direct marketing licence granted or renewed under this section shall be subject to such terms and conditions, as prescribed; and the licensee shall be bound to follow the terms and conditions of the licence. The licensee shall also follow the provisions of this Act and Rules made thereunder.

57. *Suspension or Cancellation of direct marketing licence.*— The provisions contained in section 52 shall mutatis mutandis apply for

suspension/cancellation of licence granted/ /renewed under section 56.

58. *Dispute settlement.*— Any dispute arising between/among licensees for private market yard, farmer-consumer market yard, market sub-yard and direct marketing, on between/among licensee and marketing Board may be resolved by the State Marketing officer, in a summary manner within thirty days, after giving the parties a reasonable opportunity of being heard.

59. *Appeal.*— (1) Any person aggrieved by the order of the Marketing Board, may prefer an appeal to the Government or such Officer authorized by it, in such form and in such manner as prescribed, within thirty days from the date of receipt of such order. The appeal shall disposed of within thirty days, after giving the parties a reasonable opportunity of being heard.

(2) The Appellate Authority, if it consider it necessary so to do, grant a stay on the order appealed against for such period as it may deem fit.

(3) The order passed in the appeal by the Appellate Authority under this section shall be final and binding on all parties. Such order issued by the Appellate Authority shall have the force of the decree of a Civil Court and shall be enforceable as such.

60. *Bar of jurisdiction on Civil Courts.*— (1) No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with an authority under this Act.

(2) No Court shall take cognizance of an offence under this Act, except upon a complaint by the Marketing Board.

60A. *Registration of wholesale ad hoc buyer.*— Any person desirous of wholesale adhoc buying either from the market-yard or from outside the market-yard, on day to day basis for his own consumption even without valid licence granted under this Act, may register with the concerned Marketing Board, in such form and in such manner, as prescribed:

(a) Such buyer will specify the place and day of purchase while making the registration; or afterward before purchase;

(b) In case such purchase is undertaken in the market yard, the buyer shall be liable to pay market fee at the applicable rate to the Marketing Board and on purchase undertaken outside the market yard, the buyer shall pay one-half of the applicable market fee to the Marketing Board:

Provided that such wholesale ad hoc purchases cannot be made more than three times in a month across the State.

12. *Insertion of new chapter VIIIA.*—After chapter VIII of the principal Act, the following chapter shall be inserted, namely:—

“Chapter VIIIA”

E-TRADING

60B. *Establishment/Promotion of Electronic Trading Platform.*— (1) No person shall establish and run any electronic trading platform for trading in notified agricultural produce including livestock without obtaining a licence under this section.

(2) Save as provided in sub-section (1), the Government or its agencies may, however, establish and run e-trading platform for trading in notified agricultural produce including livestock, as prescribed.

60C. *Grant/Renewal of licence to establish electronic trading platform.*— (1) Any person desirous of establishing an e-trading platform under sub-section (1) of section 60B shall apply to the Marketing Board in such form and in such manner along with such fee, security/ /bank guarantee and by fulfilling such conditions, as prescribed.

(2) The application received for grant or renewal of licence may be rejected for reasons to be recorded in writing by the marketing Board:

Provided that the provision contained in the proviso to sub-section (3) of section 5 shall maintain mutatis mutandis apply for deciding the application received under this section.

(3) The e-trading platform managed and operated by a person or Government or its agencies, as the case may be, shall provide all infrastructures and services connected to e-trading, as prescribed.

(4) The licensee or its management committee, may collect user charge on sale transactions of notified agricultural produce including livestock on the e-trading platform:

Provided that no user charge shall be collected from agriculturist-seller:

Provided further that Government in public interest may from time to time, by notification, put ceiling on the rate of collection of user charge.

(5) The e-trading platform licensee shall contribute such user charge collection, to the separate “Marketing Board Fund” maintained by the Marketing Board at the rate in percentage as decided by the Marketing Board from time to time. Such Fund shall be utilized for the purposes specified in sub-section (5) of section 5D of this Act.

60D. *Integration of warehouses/silos/cold storages or other such structure or space, declared as market sub-yard to e-platform.*— A person who is issued licence under section 51, desirous to link to e-platform of Government of India, may apply, through Government/ Marketing Board or its agencies, to the Department of Agriculture, Co-operation and Farmer’s Welfare, in such form and in such manner, as prescribed.

60E. *Integration of private market.*— A licensee of private market yard, desirous of integrating with e-trading portal, may apply through Government or its agencies to the Government of India in such manner, as prescribed.

60F. *Interoperability of e-trading platform.*— In order to evolve a unified National Agricultural Market and integrate various e-platforms, the applications in the e-platform(s) should be interoperable as per specifications and standards laid down by the Marketing Board.

60G. *Payment to the sellers and maintenance of accounts.*— (1) Notwithstanding anything contained in this Act, payment of notified agricultural produce including livestock traded on electronic platform shall be made same day of the sale transactions to the seller or in the maximum next day, if procedurally so required. In procedural exigencies on electronic trading, the payment to the seller may be made in such a manner as prescribed in Rules or Bye-laws.

(2) The licensee or Marketing Board, as the case may be, shall maintain accounts of all the transactions taken place on electronic platform and submit such periodical reports and returns to the Managing Director or the authorized Officer, at such time and in such forms, as may be specified by the Government, from time to time.

60H. *Suspension or Cancellation of licence of electronic trading platform.*— The Marketing Board may by order and for the reasons to be recorded in writing, suspend or cancel the licence granted under section 46B:

Provided that no order for suspension or cancellation of licence shall be passed without giving a reasonable opportunity of being heard to the licensee.

60I. *Dispute settlement.*— Any dispute arising,-

(i) between/among the licensees specified in section 46B; or

(ii) between/among licensees of e-trading platforms and Marketing Board, shall be resolved by the Officer authorized by the Government, in summary manner within thirty days, after giving the parties reasonable opportunity of being heard.

60J. *Dispute settlement with regard to intra-State trade-transactions.*— In case of any dispute with regard to intra-State transactions on e-platform, the redressal thereof shall be done at the level of management committee of the licensee or the Marketing Board, as the case may be, through an administrative process, or through the process of conciliation and arbitration, within seven working days;

while in case of perishables it shall be within three working days. The management committee or Marketing Board, as the case may be, shall dispose of the matter by issuing reasoned order.

60K. *Dispute settlement with regard to Inter-State trade transactions.*— In case of any dispute arising out of inter-State trade transactions on e-platform or any other such platform, the Government can subscribe to become part of such Authority, which may be constituted by the Government of India or State Government/Union Territory Administration under the existing law or any law to be framed therefore.”.

13. *Substitution of Section 68.*— For section 68 of the principal Act, following section shall be substituted; namely:—

“68. *Powers and functions of the State Marketing Officer.*— (1) Subject to the provisions of this Act, the State Marketing Officer may exercise such powers and perform such functions other than those prescribed for the Secretary under this Act, which would enable proper execution of the provisions of this Act. The Government may delegate any or all the regulatory powers vested in it under this Act and Rules to the State Marketing Officer.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), the functions of the State Marketing Officer may include;

(i) black listing the operation of inter-state trading licence within the State jurisdiction issued by another State;

(ii) supervision on the Marketing Board for effective execution of provisions of the Act and Rules made thereunder relating to transactions of agricultural produce including livestock taking place in the principal market yards, sub-market yards and market sub-yards;

(iii) enforcement of regulation in the delineated market areas;

(iv) launch of prosecution for contravening the provision(s) of the Act and Rules made thereunder;

(v) suggestion to the Government for undertaking amendments to the Act and Rules for effective execution of the objectives of the Act;

(vi) approval of the Bye-laws framed by the Marketing Board under this Act;

(vii) consenting the approval of the budget of the Marketing Board;

(viii) accord sanction to the creation of post of officers and staff of the Marketing Board ;

(ix) taking steps for timely and proper conduct of the elections of the Marketing Board and activities connected thereto;

(x) acceptance of resignation of the Chairperson of the Marketing Board;

(xi) to act as appellate authority for any person aggrieved by an order of the Marketing Board."

14. *Amendment of section 81.*— In section 81 of the principal Act, in sub-section (2) for clause (xv) the following clauses shall be substituted; namely:—

(xv) procedure for grant/renewal and suspension/cancellation of unified single trading licence;

(xvi) procedure for allowing unified single trading licence for inter-state trade and its blacklisting;

(xvii) procedure for grant/renewal of licences to set up private market yard, farmer-consumer market yard, market sub-yard, electronic trading platform and for direct marketing and suspension/ /cancellation thereof;

(xviii) procedure and condition for registration of wholesale ad hoc buyers;

(xix) procedure and terms and conditions for declaring warehouse/silos/cold storage or other such structure or space as market sub-yard;

(xx) manner of dispute settlement between/among the licensees and

between/among the licensees and Marketing Board,etc;

(xxi) procedure for setting up of assaying labs including in private sector and promotion of quality certification system. Constitution of committee with technical members of linked and line department of Government and Government of India to promote quality certification system;

(xxii) provide necessary infrastructure and logistic support for e-trading platform;

(xxiii) the manner in which auctions of agricultural produce including e-auction shall be conducted and bids made and accepted;

(xxiv) annual tonnage or such annual values and procedure for issuing licence for market yard of National Importance;

(xxv) conditions and fees for establishment of private market yard;

(xxvi) infrastructure to be built up/ /developed at a place and the manner for establishing farmers-consumer market yard (direct sale of Agricultural Produce by farmers to consumer in retail);

(xxvii) period, fees, place, manner, infrastructure and forms under which the notification for declaring warehouse/silos/ /cold storage or other structure or place to be declared as market sub-yard;

(xxviii) norms and procedure for infrastructure for backward and forward linkage to retail, processing and export chain, place of direct marketing and the manner in which the records are to be maintained in respect of direct marketing;

(xxix) manner and procedure for establishing E-Trading platform for trading notified agricultural produce and livestock and infrastructure, conditions, fees, securities and forms required for issuing licence toe-trading platform.

(xxx) linking market sub-yard and private market yard to e-platform of Government of India;

(xxxii) specification for procedure and condition of payment in relation to the transactions undertaken on e-trading platform;

(xxxiii) agreement listing out the terms and conditions of buying and selling of notified agricultural produce and livestock between two or more traders in the

principal market, sub-market yard and market sub yard;

(xxxiii) any other matter which has to be, or may be prescribed.

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